

ENGROSSED SENATE BILL No. 247

DIGEST OF SB 247 (Updated March 22, 2007 3:28 pm - DI 96)

Citations Affected: IC 9-13; IC 9-18; IC 9-24; IC 9-29; IC 9-30.

Synopsis: Various motor vehicle matters. Provides that a public passenger chauffeur's license (license) is valid for four years and that the fee for the license is \$8. (Current law provides that the license is valid for two years and that the fee for the license is \$4.) Authorizes the division of court administration to prescribe a: (1) traffic information and summons; or (2) complaint and summons; in an electronic format, to be known as an electronic traffic ticket. Authorizes a law enforcement officer to issue an electronic traffic ticket in lieu of a paper ticket, and authorizes the transmission of an electronic traffic ticket to a court under certain conditions. Allows an electronic traffic ticket to be admissible in a court proceeding under certain circumstances. Requires that a license plate for a passenger car display a numeral that indicates the county in which the passenger car was registered, and states specifications for the size and placement of the county indicator numeral. Makes conforming amendments.

Effective: Upon passage; July 1, 2007; January 1, 2008.

Mrvan, Drozda, Merritt

(HOUSE SPONSOR — LAWSON L)

January 8, 2007, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.
February 8, 2007, reported favorably — Do Pass.
February 13, 2007, read second time, amended, ordered engrossed.
February 14, 2007, engrossed.
February 15, 2007, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 26, 2007, read first time and referred to Committee on Roads and Transportation. March 15, 2007, amended, reported — Do Pass. March 22, 2007, read second time, amended, ordered engrossed.











First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 247

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1	SECTION 1. IC 9-13-2-49.5 IS ADDED TO THE INDIANA CODE
2	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3	1, 2007]: Sec. 49.5. "Electronic traffic ticket", for purposes of
4	IC 9-30-3, has the meaning set forth in IC 9-30-3-2.5.
5	SECTION 2. IC 9-18-2-32 IS AMENDED TO READ AS
6	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) Except as
7	provided in subsection (b), a license plate issued under section 30 of
8	this chapter:
9	(1) must be six (6) inches wide and twelve (12) inches long;
10	(2) must display:
11	(A) the registration number assigned to the vehicle for which
12	the plate is issued;
13	(B) the letters "IN"; and
14	(C) the year for which the plate is issued;
15	(3) may have a prefix of at least one (1) letter of the alphabet to
16	designate the type of vehicle registered; and
17	(4) shall be treated with special reflective material designed to



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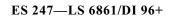
1	increase the visibility and legibility of the license plate.	
2	The bureau must comply with section 36 of this chapter.	
3	(b) The bureau may issue license plates in a different size or	
4	character if the bureau determines that the change is appropriate to	
5	effect the proper display of the license plates.	
6	SECTION 3. IC 9-18-2-36 IS AMENDED TO READ AS	
7	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 36. (a) A license	
8	plate issued for a passenger car must display a numeral that indicates	
9	the county in which the passenger car was registered.	
10	(b) The numeral described in subsection (a) must be:	
11	(1) two and three-quarters (2 3/4) inches high; and	
12	(2) displayed at the location on the license plate where the	
13	county designator was located on January 1, 2007.	
14	The bureau may not alter the size or the position of the county	
15	indicator numeral.	
16	SECTION 4. IC 9-24-12-3, AS AMENDED BY P.L.41-2006,	
17	SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	U
18	January 1, 2008]: Sec. 3. Except as provided in section 11 of this	
19	chapter, a public passenger chauffeur's license issued under this article	
20	after December 31, 1996, expires at midnight of the birthday of the	
21	holder that occurs two (2) four (4) years following the date of issuance.	
22	SECTION 5. IC 9-29-9-5 IS AMENDED TO READ AS FOLLOWS	U
23	[EFFECTIVE January 1, 2008]: Sec. 5. The fee for a public passenger	
24	chauffeur's license issued under IC 9-24-5 is four eight dollars (\$4).	
25	(\$8).	
26	SECTION 6. IC 9-30-3-2.5 IS ADDED TO THE INDIANA CODE	
27	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY	
28	1, 2007]: Sec. 2.5. (a) As used in this chapter, "electronic traffic	
29 30	ticket" means:	
31	(1) a traffic information and summons; or(2) a complaint and summons;	
32	for traffic cases that is in an electronic format prescribed by the	
33	division of state court administration.	
34	(b) An electronic traffic ticket may be referred to as an	
35	"e-citation".	
36	SECTION 7. IC 9-30-3-5.3 IS ADDED TO THE INDIANA CODE	
37	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY	
38	1, 2007]: Sec. 5.3. In prescribing the contents of an electronic	
39	traffic ticket, the division of state court administration shall	
40	require the inclusion in an electronic traffic ticket of the contents	
41	required in an information and summons under section 6 of this	
12	chapter. The division of state court administration may modify the	



1	prescribed contents of an electronic traffic ticket as necessary for	
2	the ticket to be in an electronic format.	
3	SECTION 8. IC 9-30-3-5.7 IS ADDED TO THE INDIANA CODE	
4	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY	
5	1, 2007]: Sec. 5.7. (a) When a law enforcement officer issues an	
6	electronic traffic ticket, the law enforcement officer:	
7	(1) may print the electronic traffic ticket at the site of the	
8	traffic violation; and	
9	(2) shall inform the individual to whom the electronic traffic	
10	ticket has been issued and note on the electronic traffic ticket	
11	whether the individual must appear in court on a specific date	
12	at a specific time.	
13	(b) An electronic traffic ticket issued under this chapter that	
14	bears a printed or digital signature of:	
15	(1) the law enforcement officer who issued the electronic	_
16	traffic ticket; and	
17	(2) the prosecuting attorney, or a representative of the office	U
18	of the prosecuting attorney, of the county in which the	
19	electronic traffic ticket was issued;	
20	is admissible in a court proceeding as if the signatures referred to	
21	in subdivisions (1) and (2) were original signatures.	
22	(c) A law enforcement officer who issues an electronic traffic	
23	ticket may transmit the electronic traffic ticket to the court	
24	electronically if the court and the electronic traffic ticket are in	-
25	compliance with the administrative rules adopted by the supreme	
26	court.	
27	(d) A law enforcement officer who issues an electronic traffic	
28	ticket shall indicate on the electronic traffic ticket whether the law	V
29	enforcement officer served the person receiving the electronic	
30	traffic ticket.	
31	(e) The electronic transmission of an electronic traffic ticket	
32	shall be considered by the court as an original certified copy of the	
33	traffic information and summons or complaint and summons. An	
34	electronic traffic ticket may be used:	
35	(1) to notify the bureau of an Indiana resident who fails to:	
36	(A) appear; or	
37	(B) answer a traffic information and summons or	
38	complaint and summons;	
39	(2) to notify the bureau of a defendant who is not an Indiana	
40	resident and who fails to:	
41	(A) appear; or	
42	(R) answer a traffic information and summons:	



(3) to notify the bureau upon a final determination of
defendant's failure to appear; or
(4) as a record of a traffic case that an individual has been
charged with a traffic offense when:
(A) the individual has been convicted;
(B) a judgment has been entered; or
(C) a finding has been made by a court.
SECTION 9. IC 9-30-3-6 IS AMENDED TO READ AS FOLLOW
[EFFECTIVE JULY 1, 2007]: Sec. 6. (a) This section does not appl
to electronic traffic tickets.
(b) In traffic cases, the information and summons shall be in
substantially the following form:
In the Court of County
Cause No Docket No
Page No
State of Indiana
SS: No
County of
INFORMATION AND SUMMONS
The undersigned having probable cause to believe and being dul
sworn upon his oath says that:
On the Day of, 20 at M
Name Last First Middle
Street
City State Zip Code Race Sex Age D.O.B HT WT
Oper. Lic. # St Did Unlawfully
Operate Veh. Color Veh. Yr Veh. Make
Veh. Lic. Yr Veh. Lic. St Veh. Lic. #
Upon, (Location)
A DUDI IC STREET OR HICHWAY IN
A PUBLIC STREET OR HIGHWAY INCOUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:
COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:
CONTRARY TO THE FORM OF THE () STATE STATUTE
() LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED
OFFICER'S SIGNATURE
.D. 110. DIV. DISt.
POLICE AGENCY



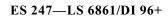


(Deputy Cl	erk)		
This	erk) Day of		_, 20
	COURT A	PPEARANCE	
I PROMISI	E TO APPEAR IN CO	OURTROOM	
ADDRESS			
ON	:THE	DAY OF	, 20 A7
M. OR I	BE SUBJECT TO AR	RREST.	
SIGNATUI	RE		
"YOUR SIG	GNATURE IS NOT A	AN ADMISSION	N OF GUILT"
The in	formation and summe	ons shall consist	of four (4) parts:
(1) th	e original copy, print	ed on white pape	er, which shall be the
abstr	act of court record for	the Indiana bure	au of motor vehicles
	ne court copy, printed		
	ne police record, which		y of the information
*	ed on pink paper; and		
	ne summons copy, pri		
	verse sides of the info		
	stantially as follows,		
•	o adapt the form to th	e court involved	:
	#		
DATE	COURT ACTION A		
	COURT ACTION A	AND OTHER O	RDERS
BAIL \$			
REARRES	T BOND \$	DATE	
I. CONTIN	TUANCE 10 4.	CONTINUANC	E 10
	IUANCE TO 5.		
	IUANCE TO 6.		E 10
	ons Date Ruling	g Date	
1			
2			
3			
4. PLEA	() GUILTY		
LLEA	() NOT GUILTY		
FINDING	() GUILTY		
חוווחוויו	() NOT GUILTY		
	THE COURT TH	EREFORE ENT	ΓERS
		OWING ORDER	
FINE \$			SUSP. \$
. π.τ ψ	(STATE) \$		
COSTS	(ΒΙΠΙΕ) Ψ		

ES 247—LS 6861/DI 96+

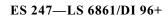


	(CITY) \$			
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	IDED I ICENSE	CHCDEN	DED FOR	
` '			RIZED FOR ONE	_
PROBATION PROBATION	AKI LICENSE	AUTHO	RIZED FOR ONE	ILAK
DATE:				
ATTORNEY FO	R DEFENDANT	Γ		
ADDRESS		7	TELEPHONE	
	WITN	NESSES		
		_	either guilty or no	
	=		nons. The trimmed	
		_	printed shall be no	-
=	erter $(4 \ 1/4)$ inch	es by eig	ht and one quarter	(8 1/4)
inches.				
		_	aint and summons	shall be
in substantially the	_			
In the	C	court of	(County
Page No				
State of Indiana				
	SS:	No		
County of				
	COMPLAINT A			
_		le cause t	o believe and bei	ng duly
sworn upon his o	<u> </u>			
			_, 20 at M	
Name				
	First		Middle	
Street				
City		_ State _	Zip Code	
			_ HT WT	
			Did Unlawf	
			Veh. Make	
Veh. Lic. Yr.	Veh. Lic. St.	Veh.	Lic.#	





A PUB	LIC STREET OR HIGHWAY IN
COUN	TY, INDIANA, AND COMMIT, THE OFFENSE OF:
CONT	RARY TO THE FORM OF THE () STATE STATUTE
	CAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.
` /	ER'S SIGNATURE
	o Div. Dist
POLIC	E AGENCY
Subscr	ibed And Sworn to Before Me
This	y Clerk) Day of, 20
	COURT APPEARANCE
I PRON	MISE TO APPEAR IN
COUR	TROOM
ADDR	ESS:
ON	THE DAY OF, 20
AT	M. OR BE SUBJECT TO ARREST.
	ATURE
	R SIGNATURE IS NOT AN ADMISSION OF A VIOLATION"
	ne complaint and summons shall consist of four (4) parts:
	(1) the original copy, printed on white paper, which shall be the
	abstract of court record for the Indiana bureau of motor vehicles;
	2) the court copy, printed on white paper;
	3) the police record, which shall be a copy of the complaint,
-	printed on pink paper; and
	(4) the summons copy, printed on white stock.
	ne reverse sides of the complaint and abstract of court record
	e substantially as follows, with such additions or deletions as are ary to adapt the form to the court involved:
	PT #
	F1 #
DILL	COURT ACTION AND OTHER ORDERS
BAIL S	S
	REST BOND \$ DATE
	NTINUANCE TO 4. CONTINUANCE TO
2. CON	NTINUANCE TO 5. CONTINUANCE TO
3. CON	NTINUANCE TO 5. CONTINUANCE TO 6. CONTINUANCE TO
λ	Motions Date Ruling Date





1	
2.	
3	
4	
PLEA	() ADMIT
	() DENY
	() NOLO CONTENDERE
FINDING	() JUDGMENT FOR PLAINTIFF
	() JUDGMENT FOR DEFENDANT
	THE COURT THEREFORE, ENTERS
	THE FOLLOWING ORDER
FINE \$	AMOUNT SUSP. \$ (STATE) \$
	(STATE) \$
COSTS	
	(CITY) \$
	MENDED LICENSE SUSPENDED FOR
() PROBA	TIONARY LICENSE AUTHORIZED FOR ONE YEAR
PROBATIO)N
JUDGE:	
DATE:	
ATTORNE	Y FOR DEFENDANT
ADDRESS	TELEPHONE
	WITNESSES
The noti	ice, appearance, plea of either admission, denial, or nolo
	shall be printed on the summons. The trimmed size of the
	tock on which the form is printed shall be nominally four
	arter (4 1/4) inches by eight and one quarter (8 1/4) inches.
•	The complaint form shall be used in traffic cases, whether
	s made by a law enforcement officer or by any other person.
_	Each judicial officer or police authority issuing traffic
	and summons:
•	
	responsible for the disposition of all the traffic complaints
	ummons issued under the authority of the officer or
	ity; and
(Z) sna	all prepare and submit the records and reports relating to the



traffic complaints in the manner and at the time prescribed by both the state examiner of the state board of accounts and the bureau.

SECTION 10. IC 9-30-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The court may issue a warrant for the arrest of a defendant who is an Indiana resident and who fails to appear or answer a traffic information and summons or a complaint and summons served upon the defendant. If the warrant is not executed within thirty (30) days after issue, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau indicating that the defendant failed to appear in court as ordered. The court shall then mark the case as failure to appear on the court's records.

- (b) If a defendant who is not an Indiana resident fails to appear or answer a traffic summons served upon the defendant and upon which the information or complaint has been filed thirty (30) days after the return date of the information and summons or complaint and summons, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau. The bureau shall notify the motor vehicle commission of the state of the nonresident defendant of the defendant's failure to appear and also of any action taken by the bureau relative to the Indiana driving privileges of the defendant. If the defendant fails to appear or otherwise answer within thirty (30) days, the court shall mark the case as failure to appear on the court's records.
- (c) If the bureau receives a copy of the traffic information and summons or complaint and summons for failure to appear in court either on a form prescribed by the bureau or in an electronic format prescribed by the division of state court administration, the bureau shall suspend the driving privileges of the defendant until the defendant appears in court and the case has been disposed of. The order of suspension may be served upon the defendant by mailing the order by first class mail to the defendant at the last address shown for the defendant in the records of the bureau. The order takes effect on the date the order is mailed.
- (d) For nonresidents of Indiana, the order of suspension shall be mailed to the defendant at the address given to the arresting officer by the defendant as shown by the traffic information or complaint. The order takes effect on the date of mailing. A copy of the order shall also be sent to the motor vehicle bureau of the state of the nonresident defendant. If:
 - (1) the defendant's failure to appear in court has been certified to



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the bureau under this chapter; and	the	bureau	under	this	chapter	; and
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(2) the defendant subsequently appears in court to answer the charges against the defendant;

the court shall proceed to hear and determine the case in the same manner as other cases pending in the court. Upon final determination of the case, the court shall notify the bureau of the determination either in an electronic format or upon forms prescribed by the bureau. The notification shall be made by the court within ten (10) days after the final determination of the case, and information from the original copy of the traffic information and summons or complaint and summons must accompany the notification.

SECTION 11. IC 9-30-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Before accepting a plea of guilty to a misdemeanor traffic offense, the court shall inform the defendant of the defendant's rights, including the right to:

- (1) engage counsel;
- (2) a reasonable continuance to engage counsel to subpoena witnesses;
- (3) have process issued by the court, without expense to the defendant, to compel the attendance of witnesses in the defendant's behalf;
- (4) testify or not to testify in the defendant's own behalf;
- (5) a trial by jury; and
- (6) appeal.
- (b) The court shall inform each defendant charged with a traffic offense other than a nonmoving traffic offense, if the defendant is convicted or judgment is entered against the defendant, that a record of the conviction or judgment will be sent to the bureau or the motor vehicle bureau of the state where the defendant received a license to drive to become a part of the defendant's driving record.
- (c) The court shall keep a full record of every case in which a person is charged with a traffic offense other than a nonmoving traffic offense. Within ten (10) days after the conviction, judgment, or forfeiture of security deposit of a person, the court shall forward a copy of the judgment in an electronic format or an abstract as prescribed by IC 9-25-6-8. The abstract comprises the original copy of the traffic information and summons or complaint and summons if the conviction, judgment, or forfeiture of security deposit has been entered on that copy. However, instead of the original copy, the court may, subject to the approval of the bureau, send the information in an electronic format or in the form of a chemical based, magnetic, or machine

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readable media. Records of nonmoving traffic offenses are not required	
to be forwarded to the bureau.	
(d) One (1) year after the abstract has been forwarded, the court may	
destroy the remaining court copies of the information and summons or	
complaint and summons and related pleadings if an order book entry	
of the copy has been made and the original copy has been sent to the	
bureau of motor vehicles.	
(e) Upon the failure of a court officer to comply with subsection (c),	
the officer is liable on the officer's official bond for a civil penalty of	
one hundred dollars (\$100) accruing to the state, which may be	
recovered, together with the costs of the suit, in a civil action brought	
by the attorney general in the name of the state on relation of the	
attorney general. Each failure by an officer constitutes a separate cause	
of action.	
SECTION 12. An emergency is declared for this act.	
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SENATE MOTION

Madam President: I move that Senator Drozda be added as coauthor of Senate Bill 247.

MRVAN

SENATE MOTION

Madam President: I move that Senator Merritt be added as coauthor of Senate Bill 247.

MRVAN

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 247, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 247 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 8, Nays 0.

ES 247-LS 6861/DI 96+

SENATE MOTION

Madam President: I move that Senate Bill 247 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE January 1, 2008]".

(Reference is to SB 247 as printed February 9, 2007.)

MRVAN







COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 247, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-49.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 49.5. "Electronic traffic ticket", for purposes of IC 9-30-3, has the meaning set forth in IC 9-30-3-2.5.".

Page 1, after line 10, begin a new paragraph and insert:

"SECTION 3. IC 9-30-3-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.5. (a) As used in this chapter, "electronic traffic ticket" means:**

- (1) a traffic information and summons; or
- (2) a complaint and summons;

for traffic cases that is in an electronic format prescribed by the division of state court administration.

(b) An electronic traffic ticket may be referred to as an "e-citation".

SECTION 4. IC 9-30-3-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.3. In prescribing the contents of an electronic traffic ticket, the division of state court administration shall require the inclusion in an electronic traffic ticket of the contents required in an information and summons under section 6 of this chapter. The division of state court administration may modify the prescribed contents of an electronic traffic ticket as necessary for the ticket to be in an electronic format.

SECTION 5. IC 9-30-3-5.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.7. (a) When a law enforcement officer issues an electronic traffic ticket, the law enforcement officer:**

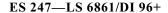
- (1) may print the electronic traffic ticket at the site of the traffic violation; and
- (2) shall inform the individual to whom the electronic traffic ticket has been issued and note on the electronic traffic ticket whether the individual must appear in court on a specific date at a specific time.

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- (b) An electronic traffic ticket issued under this chapter that bears a printed or digital signature of:
 - (1) the law enforcement officer who issued the electronic traffic ticket; and
 - (2) the prosecuting attorney, or a representative of the office of the prosecuting attorney, of the county in which the electronic traffic ticket was issued;

is admissible in a court proceeding as if the signatures referred to in subdivisions (1) and (2) were original signatures.

- (c) A law enforcement officer who issues an electronic traffic ticket may transmit the electronic traffic ticket to the court electronically if the court and the electronic traffic ticket are in compliance with the administrative rules adopted by the supreme court.
- (d) A law enforcement officer who issues an electronic traffic ticket shall indicate on the electronic traffic ticket whether the law enforcement officer served the person receiving the electronic traffic ticket.
- (e) The electronic transmission of an electronic traffic ticket shall be considered by the court as an original certified copy of the traffic information and summons or complaint and summons. An electronic traffic ticket may be used:
 - (1) to notify the bureau of an Indiana resident who fails to:
 - (A) appear; or
 - (B) answer a traffic information and summons or complaint and summons;
 - (2) to notify the bureau of a defendant who is not an Indiana resident and who fails to:
 - (A) appear; or
 - (B) answer a traffic information and summons;
 - (3) to notify the bureau upon a final determination of a defendant's failure to appear; or
 - (4) as a record of a traffic case that an individual has been charged with a traffic offense when:
 - (A) the individual has been convicted;
 - (B) a judgment has been entered; or
 - (C) a finding has been made by a court.

SECTION 6. IC 9-30-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) **This section does not apply to electronic traffic tickets.**

(b) In traffic cases, the information and summons shall be in substantially the following form:



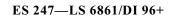








In the	Court of	County		
Cause No	Docket No			
Page No				
State of Indiana	ı			
	SS:	No		
County of				
	INFORMATION A		S	
The undersigned	ed having probable	cause to believ	e and beir	ng duly
sworn upon his				
	Day of	, 20	_ at N	M
Name				
Last	First	Middle		
Street				
City	Sta	ate Zip C	ode	_
Race Sex _	Age D.O.B.	HT	_ WT	
Oper. Lic. #	St	_ Did Unlawfu	lly	
Operate Veh. C	Color Veh. Y	Yr Veh. Ma	ke	
	Veh. Lic. St			
Upon, (Location	n)			
A PUBLIC STI	REET OR HIGHWA	Y IN		
COUNTY, IND	DIANA, AND COM	MIT, THE OFFI	ENSE OF:	
	TO THE FORM OF T	* *		
` '	DINANCE IN SUCH			
OFFICER'S SIG	GNATURE			
I.D. No	Div. Dist			
	ICY			
	d Sworn to Before M			
(Deputy Clerk)				_
This	Day of	, ?	20	
	COURT APP			
I PROMISE TO	APPEAR IN COU	RTROOM		
				_
ADDRESS:				
ON	THE	_DAY OF	,20	AT
M. OR BE S	SUBJECT TO ARRE	ST.		
"YOUR SIGNA	ATURE IS NOT AN	ADMISSION (OF GUILT"	'
The inform	nation and summons	shall consist of	four (4) pa	irts:
(1) the or	riginal copy, printed of	on white paper,	which shal	l be the





abstract of court record for the Indiana bureau of motor vehicles;

- (2) the court copy, printed on white paper;
- (3) the police record, which shall be a copy of the information, printed on pink paper; and
- (4) the summons copy, printed on white stock.

The reverse sides of the information and abstract of court record shall be substantially as follows, with such additions or deletions as are necessary to adapt the form to the court involved:

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Day of, 20 COURT APPEARANCE	Subscribed A			
This Day of	(Deputy Cler	·k)		
COURT APPEAR IN COURTROOM ADDRESS: ON THE DAY OF, 20 AT M. OR BE SUBJECT TO ARREST. SIGNATURE "YOUR SIGNATURE IS NOT AN ADMISSION OF A VIOLATION" The complaint and summons shall consist of four (4) parts: (1) the original copy, printed on white paper, which shall be the abstract of court record for the Indiana bureau of motor vehicles; (2) the court copy, printed on white paper; (3) the police record, which shall be a copy of the complaint, printed on pink paper; and (4) the summons copy, printed on white stock. The reverse sides of the complaint and abstract of court record shall be substantially as follows, with such additions or deletions as are necessary to adapt the form to the court involved: RECEIPT # DATE COURT ACTION AND OTHER ORDERS BAIL \$ REARREST BOND \$ DATE 1. CONTINUANCE TO 4. CONTINUANCE TO 2. CONTINUANCE TO 6. CONTINUANCE TO 3. CONTINUANCE TO 6. CONTINUANCE TO 2 3 4 PLEA () ADMIT () DENY () NOLO CONTENDERE FINDING () JUDGMENT FOR PLAINTIFF () JUDGMENT FOR DEFENDANT THE COURT THEREFORE, ENTERS THE FOLLOWING ORDER	This	Day	of	, 20
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JUDGE:	
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. , . ,	orm shall be used in traffic cases, whether
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. , . ,	officer or police authority issuing traffic
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	d under the authority of the officer or
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(2) shall prepare and submit the records and reports relating to the traffic complaints in the manner and at the time prescribed by both the state examiner of the state board of accounts and the bureau.

SECTION 7. IC 9-30-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The court may issue a warrant for the arrest of a defendant who is an Indiana resident and who fails to appear or answer a traffic information and summons or a complaint and summons served upon the defendant. If the warrant is not executed within thirty (30) days after issue, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau indicating that the defendant failed to appear in court as ordered. The court shall then mark the case as failure to



appear on the court's records.

- (b) If a defendant who is not an Indiana resident fails to appear or answer a traffic summons served upon the defendant and upon which the information or complaint has been filed thirty (30) days after the return date of the information and summons or complaint and summons, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau. The bureau shall notify the motor vehicle commission of the state of the nonresident defendant of the defendant's failure to appear and also of any action taken by the bureau relative to the Indiana driving privileges of the defendant. If the defendant fails to appear or otherwise answer within thirty (30) days, the court shall mark the case as failure to appear on the court's records.
- (c) If the bureau receives a copy of the traffic information and summons or complaint and summons for failure to appear in court either on a form prescribed by the bureau or in an electronic format prescribed by the division of state court administration, the bureau shall suspend the driving privileges of the defendant until the defendant appears in court and the case has been disposed of. The order of suspension may be served upon the defendant by mailing the order by first class mail to the defendant at the last address shown for the defendant in the records of the bureau. The order takes effect on the date the order is mailed.
- (d) For nonresidents of Indiana, the order of suspension shall be mailed to the defendant at the address given to the arresting officer by the defendant as shown by the traffic information or complaint. The order takes effect on the date of mailing. A copy of the order shall also be sent to the motor vehicle bureau of the state of the nonresident defendant. If:
 - (1) the defendant's failure to appear in court has been certified to the bureau under this chapter; and
 - (2) the defendant subsequently appears in court to answer the charges against the defendant;

the court shall proceed to hear and determine the case in the same manner as other cases pending in the court. Upon final determination of the case, the court shall notify the bureau of the determination either in an electronic format or upon forms prescribed by the bureau. The notification shall be made by the court within ten (10) days after the final determination of the case, and information from the original copy of the traffic information and summons or complaint and summons must accompany the notification.

SECTION 8. IC 9-30-3-11 IS AMENDED TO READ AS





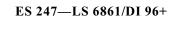






FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Before accepting a plea of guilty to a misdemeanor traffic offense, the court shall inform the defendant of the defendant's rights, including the right to:

- (1) engage counsel;
- (2) a reasonable continuance to engage counsel to subpoena witnesses;
- (3) have process issued by the court, without expense to the defendant, to compel the attendance of witnesses in the defendant's behalf;
- (4) testify or not to testify in the defendant's own behalf;
- (5) a trial by jury; and
- (6) appeal.
- (b) The court shall inform each defendant charged with a traffic offense other than a nonmoving traffic offense, if the defendant is convicted or judgment is entered against the defendant, that a record of the conviction or judgment will be sent to the bureau or the motor vehicle bureau of the state where the defendant received a license to drive to become a part of the defendant's driving record.
- (c) The court shall keep a full record of every case in which a person is charged with a traffic offense other than a nonmoving traffic offense. Within ten (10) days after the conviction, judgment, or forfeiture of security deposit of a person, the court shall forward a copy of the judgment in an electronic format or an abstract as prescribed by IC 9-25-6-8. The abstract comprises the original copy of the traffic information and summons or complaint and summons if the conviction, judgment, or forfeiture of security deposit has been entered on that copy. However, instead of the original copy, the court may, subject to the approval of the bureau, send the information in an electronic format or in the form of a chemical based, magnetic, or machine readable media. Records of nonmoving traffic offenses are not required to be forwarded to the bureau.
- (d) One (1) year after the abstract has been forwarded, the court may destroy the remaining court copies of the information and summons or complaint and summons and related pleadings if an order book entry of the copy has been made and the original copy has been sent to the bureau of motor vehicles.
- (e) Upon the failure of a court officer to comply with subsection (c), the officer is liable on the officer's official bond for a civil penalty of one hundred dollars (\$100) accruing to the state, which may be recovered, together with the costs of the suit, in a civil action brought by the attorney general in the name of the state on relation of the













attorney general. Each failure by an officer constitutes a separate cause of action.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 247 as reprinted February 14, 2007.)

AUSTIN, Chair

Committee Vote: yeas 11, nays 0.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 247 be amended to read as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 2. IC 9-18-2-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) Except as provided in subsection (b), a license plate issued under section 30 of this chapter:

- (1) must be six (6) inches wide and twelve (12) inches long;
- (2) must display:
 - (A) the registration number assigned to the vehicle for which the plate is issued;
 - (B) the letters "IN"; and
 - (C) the year for which the plate is issued;
- (3) may have a prefix of at least one (1) letter of the alphabet to designate the type of vehicle registered; and
- (4) shall be treated with special reflective material designed to increase the visibility and legibility of the license plate.

The bureau must comply with section 36 of this chapter.

(b) The bureau may issue license plates in a different size or character if the bureau determines that the change is appropriate to effect the proper display of the license plates.

SECTION 3. IC 9-18-2-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 36. (a) A license plate issued for a passenger car must display a numeral that indicates the county in which the passenger car was registered.

- (b) The numeral described in subsection (a) must be:
 - (1) two and three-quarters (2 3/4) inches high; and
 - (2) displayed at the location on the license plate where the county designator was located on January 1, 2007.

ES 247—LS 6861/DI 96+











The bureau may not alter the size or the position of the county indicator numeral.".

Page 10, after line 28, begin a new paragraph and insert:

"SECTION 12. An emergency is declared for this act.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 247 as printed March 16, 2007.)

Representative Saunders



